

REMARKS

Status of the Claims

The Office Action mailed April 15, 2009 noted that claims 23-32 were pending and rejected all claims. Claims 23, 31, and 32 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

It is respectfully submitted that claims 23-32 are pending and under consideration.

Rejection under 35 U.S.C. § 102(e)

The Office Action, on page 3, rejected claims 23-32 under 35 U.S.C. § 102(e) as being anticipated by Hakao. This rejection is respectfully traversed below.

The Office Action has merely cited identical multiple columns of Hakao as anticipating all of the pending claims without specifically noting a particular section in Hakao and why each claim is rejected. Clarification is requested in the next Office Action to help assist Applicant better respond to the rejection and better advance prosecution.

Claim 23 is amended to clarify distinguishing features. It is respectfully submitted that nothing cited or found in Hakao discusses "the sending station transmits the signal via the first transmitting channel **using a first frequency range** to the receiver station and the receiver station transmits a second signal via a second transmitting channel **using a second frequency range** to the sending station" recited, for example, in claim 23. Hakao merely discusses a channel switching method of a CDMA communication system. The system includes a Rake receiver having a number of fingers which collect symbol energy as shown in Figure 4. However, Hakao is silent regarding the utilization of two separate frequency ranges, one for the downlink direction, and one for the uplink direction. In other words, Hakao does not discuss "the sending station transmits the signal via the first transmitting channel **using a first frequency range** to the receiver station and the receiver station transmits a second signal via a second transmitting channel **using a second frequency range** to the sending station."

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is respectfully submitted that each and every element of claim 23 is not expressly or inherently found in Hakao.

Independent claims 31 and 32 are amended to clarify their distinguishing features and patentably distinguish over Hakao for the reasons discussed above.

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 27 recites "one of the first transmitting channels is situated between one of the sending antennas and one of the receiving antennas." In particular, although the Office Action cited the Abstract, Figure 4, Figure 5, column 3, lines 40-67, column 4, lines 1-67, column 5, lines 1-67, column 6, lines 1-67, and column 7, lines 1-20, as in each of the other rejections of the pending claims, nothing cited or found discusses that one of the first transmitting channels is **situated between one of the sending antennas and one of the receiving antennas**. It is submitted that the dependent claims are independently patentable over Hakao.

Thus a prima facie case of anticipation cannot be established and withdrawal of the rejection is respectfully requested.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

7-15-09

By: _____



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